

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed September 21, 2005. At the time of the Final Office Action, Claims 6-15 were pending in this Application. Claims 1-5 were previously cancelled by Applicants without prejudice or disclaimer. Claims 6-15 were rejected. Claim 6 has been amended to clearly define the various features of Applicants invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 6-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,778,971 issued to Altschuler ("Altschuler") in view of U.S. Patent 6,445,963 issued to Blevins ("Blevins"). Applicants believe that the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner states that Altschuler discloses that a main clock generated by a system clock utility is used. However, the present independent claims comprise a different limitation not covered by Altschuler.

First, Altschuler is not related to an industrial controller. Neither does Altschuler integrate a plurality of automation components into a uniform running level model. Thus,

Applicants believe that a person skilled in the art would not consider Altschuler for providing a flexible industrial controller which integrates a plurality of automation components.

Moreover, Altschuler does not disclose a system that has the capability of selecting a main clock from a plurality of clock sources. This limitation has been clarified by the amendments of claim 1. However, independent method claim 10 already included the step of selecting a clock source from a plurality of clock sources. None of the prior art discloses such a capability. Thus, all independent claims are allowable in view of the prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

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CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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